

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JEFF NIELSEN,	)	CASE NO. 4:16-cv-3047
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
RUFINO LEIVA; SCHWOB BUILDING	)	<b>NOTICE OF REMOVAL</b>
COMPANY, LTD, d/b/a SCHWOB	)	
BUILDING COMPANY, and/or SCHWOB	)	
BUILDING CORP., and SCHWOB	)	
ENERGY SERVICES, LLC; and JOSE	)	
RODARTE,	)	
	)	
Defendants.	)	

Defendant, Jose Rodarte, by and through his undersigned counsel, and Defendants Rufino Leiva, Schwob Building Company, LTD, d/b/a Schwob Building Company, and/or Schwob Building Corp., and Schwob Energy Services, LLC, by and through their undersigned counsel, hereby remove Case No. 15-680 from the District Court of Lincoln County, Nebraska to the United States District Court for the District of Nebraska pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and as grounds for their removal state as follows:

**STATEMENT OF THE CASE**

1. On December 3, 2015, Plaintiff Jeff Nielsen filed a Complaint in the District Court of Lincoln County, Nebraska entitled *Jeff Nielsen, Plaintiff v. Rufino Leiva; Schwob Building Company, LTD, d/b/a Schwob Building Company, and/or Schwob Building Corp., and Schwob Energy Services, LLC; and Jose Rodarte, Defendants*, Case Number CI 15-680.
2. Defendant Schwob Building Company, LTD, d/b/a Schwob Building Company and/or

Schwob Building Corp. was served with summons on March 2, 2016.

3. Defendant Rufino Leiva was served with summons on March 3, 2016.
4. Defendant Schwob Energy Services, LLC was served with summons on March 3, 2016.
5. Defendant Jose Rodarte was served with summons on March 5, 2016. This Notice is timely filed.
6. A certified copy of all process, pleadings and orders served upon Defendants in the state court action are attached in support of this filing.

**DIVERSITY JURISDICTION UNDER 28 U.S.C. § 1332(a)**

7. This Court has jurisdiction over this matter under 28 U.S.C. § 1332(a), because there is complete diversity of citizenship between Plaintiff and all the Defendants and more than \$75,000.00, exclusive of interest and costs, is at stake. Plaintiff alleges that he has economic losses of approximately \$255,000.00, plus non-economic damages, putting the amount in controversy above than \$75,000.00 diversity jurisdiction threshold.
8. Plaintiff alleges that he is a resident of the State of Nebraska and that his primary residence is in North Platte, Lincoln County, Nebraska. Defendants are informed and believe that Plaintiff was at all times relevant, and still is, a citizen of the State of Nebraska.
9. Defendant Jose Rodarte was at all times relevant, and still is, a citizen of the State of Texas.
10. Defendant Rufino Leiva was at all times relevant, and still is, a citizen of the State of Texas.
11. Defendant Schwob Building Company, LTD, d/b/a or a/k/a Schwob Building Company and/or Schwob Building Corp. is a corporation organized under the laws of the State of

Texas with its principle place of business at Dallas, Texas.

12. Defendant Schwob Energy Services, LLC is a limited liability company authorized and existing under the laws of the State of Texas. All of the members of Defendant Schwob Energy Services, LLC are citizens of the State of Texas.

13. All of the named Defendants have joined in and consent to this Notice of Removal.

WHEREFORE, Defendant Jose Rodarte and Defendants Rufino Leiva, Schwob Building Company, LTD, d/b/a Schwob Building Company, and/or Schwob Building Corp., and Schwob Energy Services, LLC respectfully request that this action be removed to the United States District Court for the District of Nebraska.

DATED: April 1st, 2016.

JOSE RODARTE, Defendant,

By: s/ Terrance O. Waite  
Terrance O. Waite - NSBA #15497  
For WAITE, McWHA & HENG  
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Attorney for Defendant.

and

RUFINO LEIVA; SCHWOB BUILDING  
COMPANY, LTD, d/b/a SCHWOB BUILDING  
COMPANY, and/or SCHWOB BUILDING CORP.,  
and SCHWOB ENERGY SERVICES, LLC;  
Defendants,

By: s/ Stephen L. Ahl

Stephen L. Ahl, #10036  
Wolfe, Snowden, Hurd, Luers & Ahl, LLP  
Wells Fargo Center  
1248 "O" Street, Suite 800  
Lincoln, NE 68508  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 1<sup>st</sup>, 2016 I mailed by regular United States Postal Service, postage prepaid the foregoing to the following non-CM/ECF participant:

Royce E. Norman  
Norman, Paloucek & Herman Law Offices  
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Attorney for Plaintiff

/s/ Terrance O. Waite  
One of the Defendant's Attorneys